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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,546	12/05/2003	Hisayoshi Tsubaki	2091-0302P	7320
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EXAMINER				
PETERSON, CHRISTOPHER K				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
06/12/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/727,546

Applicant(s)

TSUBAKI, HISAYOSHI

Examiner

CHRISTOPHER K. PETERSON

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-9 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9 and 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 March 2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 12, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 3, 7 – 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moores (US Patent Pub. #2004/0201738) in view of Walker (US Patent # 6,490,409).

As to claim 1, Moores (Fig. 1) teaches an imaging device system for interaction with one or more subject carried terminal devices (PDA), the one or more terminal devices (PDA) including a display capable of displaying images and a communication device to enable communication therewith, the imaging system comprising:

- at least one imaging means (image capturing device 15) for photographing a subject (13) carrying a terminal device (PDA 123 and RFID tag 20) and for obtaining image data representing an image of the subject (13) (Para 20);
- an imaging communication device (15) to perform wireless data communication (wireless LAN 34) with the subject carried terminal devices (123 and 20) (Para 0023 – 0024 and 0034); and
- a control means (20) for controlling the operation of the imaging means (15) so that the imaging means (15) is driven to obtain image data when the terminal device (123 and 20) carried by the subject (13) and the imaging device communication means (15) become able to communicate with each other (Para 0047) to determine the subject is within the image data to be obtained by the imaging means (Para 20).

Moores does not specifically teach a wherein the imaging communication device communication means and the imaging means are arranged so that a data

communication direction of the imaging device communication means and an imaging direction of the imaging means are substantially identical. The Walker reference teaches a personal photographic collection system. Walker teaches a registration unit responsive to inputs of a customer to store distinctive data, said distinctive data including customer identification and data for selecting the plurality of environ and text segments; a photographic image collection subsystem including a plurality of cameras and customer detectors, each of the plurality of cameras positioned geographically spaced from one another and oriented to capture, when activated, one of the plurality of personal images, each of the plurality of customer detectors being associated with one of the plurality of cameras and responsive to the distinctive data to generate an activation signal and a customer identification signal; an environ image storage module storing a plurality of environ images; a text generator; a personal storage module; a master controller governed by the registration module to store one of the plurality of personal photographic images along with customer identification into the personal storage module in response to the activation and identification signal; an assembly and processing module responsive to the master controller to assemble stored environ images, stored personal images, and generated text in accordance with the activities of the customer subsequent to the entry of information in the registration unit; and a personal production unit for permanently recording the plurality of personal photographic images on the recording medium. Walker (Fig. 6) teaches wherein the imaging communication device (detection zone 246) communication means and the imaging means (viewpoint for camera) are arranged so that a data communication

direction of the imaging device communication means (246) and an imaging direction of the imaging means (viewpoint for camera) are substantially identical; and wherein the imaging communication device (246) and the imaging means (viewpoint for camera) are arranged so that the data communication range of the imaging communication device (246) is within an imaging angle of view of the imaging means (viewpoint for camera) (Col. 7, lines 42 – 57). Walker teaches that the detection zones correspond to the fields of view for each of the personal video segments or images. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the detection zones correspond to the fields of view for each of the personal video segments or images as taught by Walker to the image capturing system of Moores, because there is a need for an improved personal photo gathering system and method that overcomes the disadvantages of taking your own photographs while visiting a particular activity. (Col. 1, lines 38 – 45).

As to claim 2, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for recognizing the unique identification code that specifies the terminal device (of Bridgelall) carried by the subject to the image data (Para 0035).

As to claim 3, Moores teaches the imaging device (15) as defined in claim 1, wherein the control means (20) is a means for further controlling drive of the imaging communication device (15) so that the imaging communication device (15) transmits the image data obtained by the imaging means (15) to the terminal device (123) (Para 0021 - 0022).

As to claim 7, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for controlling the drive of the imaging means so that photography is prohibited after a predetermined number of images have been photographed continuously (Para 0037).

As to claim 8, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for controlling the drive of the imaging means so that imaging is prohibited for a predetermined time after photography (Para 0036).

As to claim 9, Moores teaches the imaging device as defined in claim 1, wherein the control means (20) is a means for controlling the drive of the imaging means so that the imaging means (15) performs photography only when the terminal device (123) gives an instruction to perform photography (Para 0024). Moores teaches a button or a switch be provided. A PDA has multiple switches and buttons that could perform this function.

As to claim 19, Walker teaches wherein a said imaging means (camera) has an angle of view (viewpoint of the camera) and said imaging communication device has a directional angle of communication (detection zone 246) which produces a sensing area substantially within the angle of view of the said imaging means (Col. 7, lines 42 – 57). Note the discussion in claim 1 regarding this limitation.

5. Claims 12 – 18, 20, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Moores (US Patent Pub. #2004/0201738) in view of Walker (US

Patent # 6,490,409) and further in view of Bridgelall (US Patent Pub. # 2002/0126013).

As to claim 12, note the discussion above. Moores in view of Walker teach an imaging system comprising: a terminal device (123 and 20 of Moores) which the RFID tag (20) does communicate a unique identification code (Para 20 and 22); one or more cameras (15) for obtaining images of the subject (13) operatively connected to the controller (Para 20); wherein images of the subject which are obtained by the one or more cameras (15) are transmitted to for display on the terminal device (123 and 20) carried by the subject (13) (Para 47). As cited above in claim 1, Walker teaches wherein said controller drives one or more of said cameras only when said terminal device is within the field of view of one or more of said cameras.

Moores in view of Walker do not teach an integrated terminal device. Bridgelall teaches an integrated terminal device (PDA with a RFID tag) (Para 24). Moores in view of Walker teaches a PDA (PDA 123) and a RFID tag (RFID tag 20), but not together as one device (Para 19 and 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a terminal device as taught by Bridgelall to the terminal device of Moores in view of Walker, to provide an improved method and system for locating objects having either a data communications mobile unit or an RFID tag (Para 3 and 4).

As to claim 18, this claim refers to the limitations of claim 12. Thus claim 18 is analyzed as previously discussed with respect to claim 12.

As to claim 13, Moores teaches the imaging system as defined in claim 12, comprising: a plurality of the imaging devices (15) having imaging ranges which overlap, wherein the control means (20) in each of the imaging devices (15) is means for controlling the drive of the imaging device communication means and the imaging means, so that when all the plurality of the imaging devices have become able to communicate data with the terminal device, the imaging means in the plurality of the imaging devices take respective photographs (Para 0045).

As to claim 14, Moores teaches the imaging system as defined in claim 12, further comprising: an image server (21) for storing the images (26) obtained by the one or more cameras (Para 0025).

As to claim 15, Moores teaches the imaging system as defined in claim 12, further comprising: a printer (Kiosk 125) for printing out the image data obtained by the imaging device (Para 0022).

As to claim 16, Moores teaches the imaging system as defined in claim 15, wherein the printer only prints out the image data for which an instruction to print has been issued (Para 0022).

As to claim 17, Moores teaches the imaging system as defined in claim 16, wherein the instruction to print can be issued at the terminal device (of Bridgelall) (Para 0022).

As to claim 20, Walker teaches wherein a said one of the one or more cameras (camera) has an angle of view (viewpoint of the camera) and where the controller includes a imaging communication device (detection zone 246) associated with said

one of the one or more cameras and having a directional angle of communication producing a sensing area substantially within the angle of view (viewpoint of the camera) of said one of the one or more cameras (camera) (Col. 7, lines 42 – 57). Note the discussion in claim 1 regarding this limitation.

As to claim 21, this claim differs from claim 20 only in that the claim 20 depends on claim 12 whereas claim 21 depends on claim 18. Thus claim 21 is analyzed as previously discussed with respect to claim 20 above.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moores (US Patent Pub. #2004/0201738) in view of Walker (US Patent # 6,490,409) as applied to claim 3 above, and further in view of Muroya (US Patent Pub. # 2004/0148404).

As to claim 4, Moores in view of Walker and further in view of Bridgelall teaches the limitation "image data". Moores in view of Walker and further in view of Bridgelall does not teach small capacity image data. Muroya teaches the control means is a means for generating small capacity image data of which data volume is less than the image data and transmitting the small capacity image data (thumbnails) to the terminal device (10) instead of the image data (Para 0095 – 0096).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided small capacity image data taught by Muroya to the image data of in view of Walker and further in view of Bridgelall, because

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the use of small capacity image data would reduce the power consumption and requires less bandwidth (Para 0037).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER K. PETERSON whose telephone number is (571)270-1704. The examiner can normally be reached on Monday - Friday 6:30 - 4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CKP
2 June 2008

/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622

